

## Appendix F General Comments/Concerns/Suggestions About the Service

Name	Submission/suggestion	Officer comment	Impact	Recommendation
<p>Fred Winup (Chairman Castle Combe)</p>	<p>The draft Scheme of Delegation includes within clause "b" an express intent to exclude parish councils from being able to call in consents to alter/extend listed buildings, conservation area consents and protected trees.</p> <p>We and other parishes in similar rural areas have major concerns with this proposal.</p> <p>We believe that such instances are even more appropriate for call-in where necessary.</p> <p>Obviously it is unhelpful if call-in occurs more frequently than is ideal.</p> <p>Conversely it is essential that this option remains available where parishes have deep concerns.</p> <p>We have raised this issue with our Unitary Councillor Mrs Scott and she has passed on to us Brad Fleet's suggested response.</p> <p>This states inter alia that "almost" all listed building applications are decided in line with the planning officer's recommendations, and that "the majority" of listed building applications are accompanied by a counterpart planning application.</p> <p>We do not seek to call-in applications on a whim. We accept that most applications are decided satisfactorily.</p> <p>However we do not believe it proper that parish councils should be precluded 100% from requesting call-in in such sensitive areas as listed buildings, conservation areas and protected trees.</p> <p>This view is reinforced by the unitary</p>	<p>The current Scheme of Delegation to Officers sets out the functions delegated to officers and section "b" restricts the ability of Wiltshire Council division members to 'call in' these types of application. Parish and town council have no ability to call in any type of application. Call in can only be exercised through discussion with the relevant division members.</p>	<p>If call in by parish and town councils is allowed, agendas will take much longer to compile, meetings will last longer as will decision making.</p> <p>Performance against the Government's National Performance Indicators will decline.</p> <p>Officers and members will be able to spend less time on the more strategic and important applications.</p> <p>More staff resources will be required to process the additional committee workload.</p> <p>With specific regard to tree applications, the council employs trained arboricultural officers to advise on these and because of health and safety considerations officers strongly advise against these applications proceeding to committee for determination where subjectivity may play a role in the decision making process.</p>	<p>Revise the Scheme of Delegation to enable Wiltshire division members to call in conservation area and listed building applications.</p> <p>The determination of tree applications should remain a wholly delegated function to officers.</p>

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	<p>council's own prioritisation of enforcement issues, whereby Priority 1 comprises listed buildings, conservation areas and protected trees, i.e. precisely those items for which it is suggested that parish councils be excluded from initial call-in.</p> <p>Although not directly related to call-in, such prioritisation confirms that these areas are of major importance to parishes such as our own.</p> <p>We shall respond separately as requested regarding your proforma but wish this e-mail response to be included additionally within the papers to be considered by the Executive when debating your proposal. This e-mail is being copied to our unitary councillor and to our fellow Bybrook parishes.</p>			
Chippenham	<p>Further to your email regarding the above. The matter was considered at a meeting of the Town Council's Planning and Environment Committee held on Thursday 19 November 2009 and the following comments made:-  <u>"RESOLVED</u> that the following comments be forwarded to Wiltshire Council:-            (i)The town council request that Wiltshire Council give an assurance that it will further review the 'call-in' process including full consultation with town/parish councils within a year.</p>	<p>The manner in which the development service operates is under constant review and further recommendations for change will be brought to Members attention as the need arises. With regard to parish call in, the matter was considered by the Implementation Executive in 2009 and it is under consideration as part of this current review in 2010. Sufficient time has elapsed</p>	<p>A further review of parish call in within 12 months would require some staff resource but provided this was the only area reviewed it would be manageable.</p>	<p>A further review of parish call in within 12 months is not appropriate.</p>

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	<p>This council also states its preference for two members being able to jointly make a 'call-in'.</p> <p>The following reasons support such a proposal:-</p> <p>(a) Practicality. If it can only be the ward member, what happens if he/she is not available within the time scale?</p> <p>(b) The ward member (especially if not a TC/PC Member as well) may simply refuse because he/she disagrees. It is not clear if the ward member has any obligation to support such a request.</p>	<p>since the ability of some parishes to call in applications was removed and officers believe the system has worked more effectively as a result. There has certainly been a considerable resource saving by curbing unlimited parish call in, often of minor applications which did not warrant committee consideration, or of applications for non material reasons.</p> <p>There are already provisions for members to nominate colleagues to undertake planning duties if they are absent for any reason.</p> <p>One of the purposes of division member only call in is to ensure that there are sound reasons for any given application to proceed to committee for determination. The division members will also know all of the facts and be in a position to speak to the application at committee.</p> <p>If there is a genuine case where a parish council considers the division member is being unreasonable they can approach the relevant</p>	N/A	N/A

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	<p>(c) A 'call-in' made by two Wiltshire Councillors is likely to carry more weight, than a single Ward Member who could be accused of doing so on a whim.</p> <p>(ii) The Town Council would welcome a training session on enforcement, conservation/listed buildings, material planning considerations and planning appeals together with an update on the full working procedures as they now relate between Wiltshire Council and town/parish councils."</p>	<p>area development manager (ADM) to discuss. The ADM can decline to determine any application under delegated powers.</p> <p>Officers are satisfied that single member call in works well.</p> <p>A training programme will be devised and delivered by the service.</p>	<p>There would be no implications for officer resources here but members would have to spend time finding a second member to countersign any call in request.</p> <p>Training will be provided as part of the council's normal service</p>	<p>No change to current practice.</p> <p>Training opportunities to be provided.</p>
Melksham	After discussing the above document, the town council's Development Control Committee felt it was too early to give a proper reflection of how the new system was working and felt it would be more appropriate to make comments after 12 months.	The current review has thrown up a number of valuable suggestions but officers accept that some parishes may want more time to reflect.	N/A	N/A
Mere	We used to get regular enforcement investigation reports where the enforcement officer would send an email which stated which enforcement issues he had investigated within the parish and what his findings were. We don't seem to have had any since April but we did find them very useful. Could these be restarted?	The recent series of enforcement seminars has generated a number of similar suggestions and these will be considered as part of the concurrent review of the council's enforcement policies.	There would be limited resource implications resulting from this suggestion.	Review enforcement practices as part of the current review of enforcement.
Wylve Valley	For some, the 6pm start time of committee meetings appears to have been set to suit officers, rather than the public. There was concern that when the public have to travel from their work place	The start time of meetings was and continues to be a member decision and there are arguments in favour of both an earlier start or continuing with	The later meetings take place the more they cost in the form of staff/caretaker/security attendance. Here are also arguments about alertness when	Members consider the representation and the start time of the meetings and amend if they feel it is appropriate.

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	<p>to be present at a planning meeting in their community, the 6pm start time is too early</p> <p>Could there be some online mechanism for members of the public wishing to attend/speak on planning applications to register their intention to do so...? This ties in with point above, as some people are finding it difficult to get to meetings ten minutes early to sign in and register that they wish to be present to hear the consideration of particular applications. This also helps those who do not want to attend from 5.50pm to not have to wait three hours to hear the application they are interested in, but to turn up later when the item is likely to come up on the agenda.</p>	<p>evening (later) meetings.</p> <p>A valid point.</p>	<p>meetings run on for long periods.</p> <p>Minor resource implications to change the procedure.</p>	<p>Allow registration at committee by phone, e-mail or in person prior to the meeting.</p>
Jose Green	<p>Concerns regarding the procedure for requesting site visits. Currently it has to be put to the committee at the meeting and be carried. Not only does it slow down the determination process of applications but causes some inconvenience to the applicant, objectors and parish councils; doubly so if they all come a distance to Salisbury City Hall. If division members are sensible as to why they think it is necessary to request a site visit and it is agreed by the case officer, there shouldn't be any greater 'risk' of a surge of site visits.</p>	<p>Officers try to ensure there is sufficient information in the committee reports and presentation for members to determine applications without the need for a site visit.</p> <p>If members find this is not the case, it is open to them to suggest that a site visit is necessary.</p> <p>Clearly there may be some exceptional cases where a site visit is necessary prior to a meeting and if this is the situation, the committee chairman can discuss with the relevant area development manager.</p>	<p>There are considerable resource implications for member site visits.</p>	<p>No change to current practice.</p>

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Mollie Groom	I am quite happy with the process. At North Wilts the officers are helpful and we can normally sort out any wrinkles. However, local councils are not as happy – the ‘Call in’ by only the unitary councillor. I have called in or sorted out with an officer each instance where I have been required to call in but I understand they (parishes) feel that democracy is not so evident now!!!	N/A	N/A	N/A
Malcolm Hewson	<p>There is a problem with Prejudicial Interest. I have been unable to call in a planning application recently, because I have a prejudicial interest. On the other hand, no other councillor is able to call it in either.</p> <p>Have discussed with Ian Gibbons and think we need an appropriate rule change. Suggest that where the Monitoring Officer has advised the ward councillor that they may have a prejudicial interest, then the application should automatically come to committee.</p>	<p>If members have a prejudicial interest it is open to them to ask a colleague to take on their planning responsibilities in connection with that application.</p> <p>If an application is minor/straight forward, the decision would be delayed and the applicant could be penalised simply because a third party (the division member) has an interest in the application. Provided the member declares an interest and takes no part in determining the application there is no reason why the application cannot be dealt with promptly under delegated powers.</p>	<p>N/A</p> <p>Officers would end up preparing reports on minor applications which could be dealt with more efficiently under delegated powers</p>	<p>No change to current practice.</p> <p>No change to current practice.</p>
Leo Randall	I have a range of concerns and comments over the scheme of delegation and code of good practice, some of which are not addressed in the consultation documents.			

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	<p>Parish councils: It is only fairly recently that our parish councils lost the right to refer applications to committee for determination, in fact those parishes within the New Forest National Park boundary still have this power for applications within the Park. We were assured that on the demise of the district councils, the parish councils were generally to be given enhanced powers in order to compensate in part for the loss of local decision making. Instead, the parish councils have been further limited in that they have lost the right to speak without time limit. I find this surprising, as they are an elected body representing the local community. Certainly on the old Southern Area Committee, parish councillors sat at the front opposite the district councillors and although they could not vote, they took part in the debate when the application was within or affected their parish. It was a system that worked well, and its loss is keenly felt in that it highlights the remoteness of the development control process that is now in place.</p>	<p>After April 2009 'call in' was deliberately limited to Wiltshire Council members to ensure that only cases with genuine planning merits warranting committee consideration appeared on agendas. (There had been numerous cases in the past where very minor applications had been called in by parishes for non material reasons and these had both extended meeting times and prevented more important items of wider community concern being properly debated.)</p> <p>Parishes can still ask for applications to be determined by committee, they simply have to do so via their local division member. This route of call in ensures that parishes stay in touch with members and that the local member is fully aware of the merits of any given case and can speak to it when the application appear on an agenda. Parishes can also attend meetings and make representations which members will take into account prior to making a decision.</p> <p>Given the volume of applications the new council handles it is simply not a practical proposition to allow unlimited parish call ins The</p>	<p>If call in by parish and town councils is allowed, agendas will take much longer to compile, meetings will last longer as will decision making.</p> <p>Performance against the Government's National Performance Indicators will decline.</p> <p>Officers and members will be able to spend less time on the more strategic and important applications.</p> <p>The number of call ins for these categories of application will be limited so little impact.</p>	<p>No change to current practice.</p>

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	<p>Local Members: the documents do not make it clear what the position of the local member is at committee when he or she is not a member of that committee. The paragraph 11.g of the code of good practice mentions the relevant division member, but neglects to clarify if this is restricted to those members that are also members of the committee, or any member. Also, what role does the local member have at committee if this is not the case, when can he or she speak and for how long etc. Certainly in the rural divisions, development control is probably the most significant area of work for members, most of my correspondence is DC related, both from the public and my parish councils. I am very upset that I am unable to be on the planning committee and so represent my communities properly and effectively regarding matters that affect them the most. If certain members do not wish to be on a planning committee, that is a matter for themselves and the communities they represent.</p> <p>Officers: The code of good practice for members also seems to cover the role of officers. I would have presumed there was also a separate planning code of good practice for officers, and I am surprised</p>	<p>vouncil does not have the resources to cope with the work and experience had previously demonstrated that these types of committee application were almost always decided in line with the officer recommendation.</p> <p>A valid point, there is scope to improve on the wording of the Code of Good Practice and the local member's role, be they a member of the committee or not.</p> <p>The local member is always welcome at committee and can make representations. There is no prescribed time limit for these (as there is in the case of the public/applicant).</p> <p>Planning officers are subject to a separate professional Royal Town Planning Institute code of conduct and it was not felt necessary to duplicate this in</p>	<p>Limited resource implications to clarify the local member's role at committee in the Code of Good Practice.</p> <p>N/A</p>	<p>Revise the wording/content of the Code of Good Practice to clarify the local member role at committee.</p> <p>No change to the Code to pick up officer responsibilities.</p>



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	<p>not to see this included in this consultation exercise. From the limited information available I believe there is a serious omission, in that it should also be the duty of officers to assist or help members. Members are not always able to state the precise policy or PPG/PPS number that would support their view of an application, and as experts, Officers should provide this information in order to provide a robust, defensible decision. This is even more important since the recent government guidance informing planning authorities not to repeat national or regional policy or guidance in their own plans. I recall this was not the case with the old County Council Minerals and Waste Panel. When I attended one of their meetings a senior officer stated in public that the Panel would get no help from him in formulating the reasons for refusal of an application. In his words to the committee "you are on your own".</p>	<p>the Wiltshire Code.</p> <p>On the subject of officers helping members, they try to do so but this is always easier if assistance is sought <b>prior</b> to a meeting and not in a public arena.</p> <p>Government advice is clear, when an officer has made a recommendation, and members want to adopt a different line, it is for members to state clearly the reasons why they think a particular decision should be made. It is unreasonable to ask an officer, who has written a report based on his or her professional judgement, to turn around in a public arena and produce refusal reasons which he or she patently does not believe are realistic. Officers will always help if members articulate some reasons, (they can paraphrase what members have said) but they cannot work in a vacuum. Members have to give them a clear steer and not simply say they are unhappy with an application for unspecified reasons and then expect the officer to string together a series of robust refusal reasons while being watched by the applicant/agent.</p>	<p>There is a severe impact on both the reputation of the council and its credibility where officers are publicly asked to produce refusal reasons from scratch which they clearly do not believe are applicable to a particular case.</p>	<p>Councillors need to specify clear reasons why they think an application should be determined against officer recommendation. Officers will then be able to help by putting this into the correct planning terminology.</p> <p>If, having read the officer's report, councillors would like to explore alternative courses of action; they should speak to officers and ask for assistance prior to the meeting.</p>

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	<p>Scheme of delegation: Again I do not have the scheme that defines such things as the time for parish councils to respond to an application. Often it will be the parish council that asks the Wiltshire councillor to refer a matter to committee on their behalf, as they no longer have this power. There are clearly going to be timing issues depending on the regularity of parish council meetings and the availability of the councillor if the 21 days as defined in a. of the scheme is strictly adhered to. Other responses, for instance from the EA or the water companies often takes longer than this, and the officer is usually not able to make a recommendation until this information is available. It is difficult for the member and the officer to discuss committee referral prior to the officer having come to a view on an application. How can a member decide what to do before he or she knows the view of the officer?</p> <p>On paragraph b, I see no good reason for advertisements, listed building consents and so forth being entirely delegated. I do however agree with CLUs being outside the scope of the committee. Although I appreciate that, for example, advertisements have to be handled in rather a different way to "normal" planning applications; these applications are often very contentious and need to be considered in public. There are similar concerns over consents to demolish, in that the value of a building is a very subjective matter and the view of members may not agree with that of officers, so members may well wish to call in the matter.</p>	<p>Timing is a difficult issue but officers normally have a fair idea about the likely outcome of an application shortly after receipt. They can then discuss the application with members. If they have not formed a view, they will agree to contact the member when they have. Officer will always try to accommodate members wishes if this is possible, for example if they know a statutory consultee is going to be late, but a point is always reached where a decision can be made and to delay further impacts performance/unduly delays the decision making process.</p> <p>Listed building, conservation and advertisement applications were removed from the call in procedure because of their objective/technical nature. They were almost always determined in line with officer recommendation.</p>	<p>The number of call ins for these categories of application will be limited so little impact.</p>	<p>Amend the Scheme of Delegation to allow member call in if listed, conservation and advertisement applications but not trees or certificates or prior approvals.</p>

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Planning Officer	Committee agendas - too many green papers inserted between reports and the use of full minutes in place of 'by exception' means that our costs are higher than they should be. If we are serious about climate change, the format of the minutes should be considered by members so that they at least get to make a decision on what they want.	<p>Democratic services are satisfied with the current arrangements where full minutes are produced for every item. On the other hand, some planning officers prefer to see full minutes only for decisions which vary from the recommendation.</p> <p>Both methods have merits, the democratic services approach for completeness and ready access to all of the information in one place and the planning officer approach for brevity and sustainability.</p>	<p>Producing full minutes uses more staff and paper resource than an abridged version.</p> <p>There may be legal reasons why they have to remain full but some of the previous districts operated on abridged minutes without challenge.</p>	If members have a view on a preferred format they need to express this. If they have no view the minutes will continue to be produced in full.
Area Development Managers	In line with changing practice, the service needs to be renamed 'Development Management'.	There is an increasing national tendency supported by Government to use the term 'Development Management' as opposed to 'Development Control' which is perceived as having restrictive/negative connotations.	Minor resource implications to change the name (it is already used in some generic e-mail addresses).	Change the name of the service from Development Control to Development Management.